



Kentucky Board of Medical Licensure Newsletter

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Fall 2012

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Update on Regulations

For the past few months, the Board has been working extremely hard on revising and amending several of the regulations that were filed as Emergency Regulations on July 20, 2012.

We have recently completed the revision process and submitted amendments to the Ordinary Regulations on November 15, 2012, while the Emergency Regulations remain in effect. The Ordinary Regulations will be presented to the General Assembly's Administrative Regulation Review Subcommittee (ARRS) in December. As a result to the amendments to the Ordinary Regulations filed on November 15, 2012, we will be posting a statement, along with the amended regulations, on our website to notify physicians that the Board intends to use the ordinary regulations to guide our policies and enforcement actions during this period.

Our hope is that the amended regulations will be approved by the ARRS in December and subsequently be approved by another legislative committee in January, then becoming effective at that time.

The Board would like to thank each physician who submitted comments and participated in this process. Your input was invaluable to the Board throughout this endeavor and it appreciates your assistance. As expected, much of the comments focused on the Board's regulation, 201 KAR 9:260, regarding the mandatory standards for prescribing and dispensing controlled substances. The Board is pleased to advise that major revisions have been made to this regulation and some of the highlights include:

- Primary focus is on the treatment of non-cancer pain;
- Still have exceptions to the standards, but have included an exception for all Schedule V Controlled Substances from the requirements of the standards;
- Developed standards for prescribing and dispensing for treatment of conditions other than pain:
 - o For these conditions – run an initial KASPER;
 - o Do a normal patient work-up – medical histories, etc; and
 - o After initial prescribing only standards include conforming to the standards for the medical complaint and use of the controlled substances.

Once the regulations become final, the Board will begin to develop educational opportunities for physicians and other resources to assist physicians with the implementation of the regulations.

Board Orders can be viewed under the Physician Profile/
Verification of License link on the Board's website at
www.kbml.ky.gov.

Board Actions Report (Actions taken since 07/01/12)

Atley D. Adkins, M.D., Pikeville, KY, License # 21618
Amended Agreed Order of Indefinite Restriction
entered into 08/09/12.

Ashraf Azeb, M.D., Pikeville, KY, License # 34208
Order Terminating Second Amended Agreed Order
of Probation issued 08/09/12.

Stephen D. Burton, M.D., Louisville, KY, License # 30716
Agreed Order Reinstating License with Conditions
entered into 09/10/12.

Noreen Durrani, M.D., Ft. Mitchell, KY, License # 43935
Agreed Order entered into 09/17/12.

Mariano A. Galang, M.D., Prospect, KY, License # 27611
Agreed Order of Fine entered into 07/11/12.

William T. Gaunt, M.D., Pikeville, KY, License # 36341
Agreed Order of Indefinite Restriction entered into
07/23/12.

William T. Gaunt, M.D., Pikeville, KY, License # 36341
Amended Agreed Order of Indefinite Restriction
entered into 09/21/12.

**Mark T. Henderson, M.D., Louisville, KY, License
33009**
Second Amended Agreed Order entered into
07/27/12.

**Mark T. Henderson, M.D., Louisville, KY, License
33009**
Third Amended Agreed Order entered into 08/24/12.

Shawn P. Hudson, D.O., Rockholds, KY, License # 02933
Agreed Order of Indefinite Restriction entered into
09/17/12.

Mazen M. Ibrahim, M.D., Louisville, KY, License # 19246
Agreed Order of Indefinite Restriction entered into
08/09/12.

**Lawrence J. Jedlicka, M.D., Louisville, KY, License
43103**
Third Amended Agreed Order entered into 08/27/12.

**Anthony B. Karam, D.O., Lexington, KY, License
03321**
Agreed Order of Indefinite Restriction entered into
08/30/12.

Sam R. Kesri, M.D., Bowling Green, KY, License # 33804
Order Terminating Amended Agreed Order issued
08/09/12.

Paul D. Lopreato, PA-C, Florence, KY, License # PA735
Second Amended Agreed Order entered into
09/17/12.

**Michael L. Maynor, M.D., Folly Beach, SC, License
23140**
Agreed Order of Indefinite Restriction entered
into 07/19/12.

John T. Meredith, M.D., Winchester, KY, License # 30991
Agreed Order of Surrender entered into 09/04/12.

Arif M. Omar, M.D., Jackson, KY, License # 32517
Order Terminating Agreed Order issued 08/29/12.

John M. Reisert, D.O., New Albany, IN, License # 02906
Agreed Order of Reprimand entered into 07/02/12.

**Mary Beth Scott-Calor, D.O., Stephens City, VA, License
02604**
Order Suspending License Pursuant to 201 KAR
9:310 issued 08/06/12.

Raymond G. Shea, M.D., Louisville, KY, License # 16187
Agreed Order entered into 08/20/12.

Alan D. Shultz, M.D., Mt. Sterling, KY, License # 30784
Agreed Order of Indefinite Restriction entered into
09/17/12.

Frank G. Simon, M.D., Louisville, KY, License # 14589
Agreed Order of Indefinite Restriction entered into
09/07/12

Kenneth R. Smith, M.D., Louisville, KY, License # 34564
Order Terminating Agreed Order issued 08/09/12.

Jennifer E. Vice, PA-C, Richmond, KY, License # PA872
Agreed Order entered into 09/07/12.

**Subhash A. Vyas, M.D., South Williamson, KY, License
20556**
Fourth Amended Agreed Order entered into
07/18/12.

Darwin P. Whitaker, PA-C, Hazard, KY, License # PA361
Amended Agreed Order entered into 08/01/12.

**Melborne A. Williams, M.D., Danville, KY, License
17071**
Order Suspending License Pursuant to 201 KAR
9:310 issued 07/18/12.

Board Action Report (Actions taken since 07/01/12)

Continued From Page 2

William W. Willis, D.O., Lexington, KY, License # 02719

Agreed Order of Indefinite Restriction entered into 08/09/12.

Louis E. Wulfekuhler, M.D., Williamsburg, KY, License # 44760

Agreed Order of Indefinite Restriction entered into 07/19/12.

Restrictions have also been placed on the following physicians' licenses pending resolution of charges brought against them:

Emmanuel G. Acosta, M.D., Auxier, KY, License # 38318

Complaint and Emergency Order of Suspension issued 07/23/12, effective 07/24/12.

Randall S. Brown, M.D., Henderson, KY, License # 18596

Complaint and Emergency Order of Suspension issued 07/19/12, effective 07/21/12.

James A. Dennis, M.D., Shelbyana, KY, License # 25083

Complaint and Emergency Order of Suspension issued 08/17/12, effective 08/21/12.

Victor A. Dunn, PA-C, Owensboro, KY, License # PA340

Complaint and Emergency Order of Suspension issued 07/25/12, effective 07/27/12.

Kermit D. Gibson, D.O., Elkhorn City, KY, License # 02080

Complaint and Emergency Order of Restriction issued 08/15/12, effective 08/18/12.

Laura J. Hazeltine, M.D., Prestonsburg, KY, License # 25775

Order Dismissing Complaint issued 08/17/12.

John T. Meredith, M.D., Winchester, KY, License # 30991

Emergency Order of Suspension issued 08/09/12

Gary A. Shearer, M.D., Florence, KY, License # 16833

Complaint and Emergency Order of Suspension issued 09/24/12, effective 09/24/12.

William B. Wilkinson, M.D., Corbin, KY, License # 44230

Complaint and Emergency Order of Suspension issued 09/10/12, effective 09/11/12.

Renewal of Physician Licenses for 2013

In late December, physicians holding an active license will receive a notice by mail with instructions to renew his or her license. Physicians will be able to renew their license online at www.kbml.ky.gov. To complete the renewal, physicians will be required to verify and update their unique licensure information. The fee to renew online will be \$150.00. Physicians who renew by paper will be assessed an additional \$10.00 fee. Please note the link to renew your license on the Board's website will not be available until the last week of December 2012.

Reminder on Mandatory KASPER Accounts

The Board would like to remind all physicians licensed by the Board that HB 1, which is now in effect, requires Kentucky licensed physicians who are authorized to prescribe or dispense controlled substances in the Commonwealth to register with the enhanced Kentucky All Schedule Prescription Electronic Reporting (eKASPER) system. While the majority of Kentucky physicians have already registered with KASPER, there are still physicians who have not done so.

According to the law, if you have a DEA number, you need to register for a KASPER account. This law applies to all physicians, even those practicing out of state with a Kentucky license and a DEA registration.

It is important to point out that according to 201 KAR 9:230E, failure to register for KASPER will result in action against a physician's license. If you have not registered for your KASPER account, please do so immediately by visiting <http://chfs.ky.gov/os/oig/KASPER.htm>. Please note that KASPER registration is free and it is the law.

Helpful KASPER Information

One of the common questions that the Board receives about KASPER is how do you request a report if you are unable to utilize the patient's Social Security Number? The Board understands that this situation may occur occasionally and would like to advise physicians that a KASPER user can request a report by specifying a patient id type of SSN and entering nine zeros, or specifying a patient id type of "other id" and entering a single character such as "0" or "x".

In addition, we have heard concerns of the possibility of not being able to obtain a KASPER report due to the system being down or the report shows "manual process." In these situations, the physician should not refuse to treat a patient because they are unable to review a KASPER report. The Board advises that the physician simply needs to document why the decision was made to prescribe the controlled substance and document the report request number in the patient's chart. If the KASPER system is unavailable, the physician can note the date and time.

Clarification – Monthly Visits for Long-Term Prescribing for Pain

One of the most common misconceptions that the Board has noted in the implementation of the regulations is that physicians believe that they must see the patients on a monthly basis to prescribe controlled substances for pain on a long-term basis (over 90 days). The truth of the matter is that 201 KAR 9:260E does require the physician to personally see the patient at least monthly initially. However, the physician may see the patient on a less frequent schedule after the physician determines:

- the controlled substances have been titrated to an appropriate level;
- the controlled substances are not causing harmful side effects; and
- there is sufficient monitoring in place.

It is very important to remind physicians that they do not have to start from scratch or at ground zero for patients whom they have been treating and have an established treatment routine. In these situations, the physician would simply need to resume adherence to the standards at the appropriate treatment level for that patient.

CME Requirement of HB 1

According to 201 KAR 9:310E, each physician licensed to practice medicine or osteopathy within Kentucky who is authorized to prescribe or dispense controlled substances within the Commonwealth from July 2012 through the end of the 3 year cycle beginning on January 1, 2012 and ending on December 31, 2014 shall complete at least 4.5 hours of approved Category I Credit continuing medical education hours relating to the use of KASPER, pain management, addiction disorders or a combination of two or more of those subjects on or before December 31, 2014. A licensee may satisfy this requirement by completing a single approved program of 4.5 hours or longer or by completing multiple approved programs for a total of 4.5 hours or longer for this cycle.

In order to qualify as an approved CME course, it must be approved by the Board in advance, which has set up a subcommittee to review such courses. There have already been several courses that have been approved in recent weeks. Any such prospective courses should be submitted to the Board for review and approval. In addition, we will post a listing of approved courses on the Board's website. The Board is currently working with other stakeholders to develop educational opportunities that will address this requirement for physicians. Please watch for an announcement of such courses in future newsletters.

Annual Report

In accordance with state statutes, the Board has submitted its annual report to the Governor outlining its activities for the past fiscal year. A copy of the full report is available at www.kbml.ky.gov/board/reports.htm.

Physician Renewals and Applications:

Registered In State	10,762	(includes 532 retired physicians)
Registered Out of State	5,058	
Applications Provided For Initial Licensure	1,167	

New Licenses Issued:

Medical Licenses	990
Osteopathic Licenses	131
Temporary Permits	635
Residency Training Licenses	242
Institutional Practice Limited Licenses	27
Fellowship Training Limited Licenses	20
Faculty Licenses	1

Physician Assistants

Active	998
New	103

Athletic Trainers

Active	533
New	87

Surgical Assistants

Active	199
New	22

Acupuncturists

Active	56
New	16

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Louisville, KY 40222

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at www.kbml.ky.gov.

You may also change your address online from the Board's website www.kbml.ky.gov/Address/

(Please Print or Type Information)

Date: _____ **KY License Number:** _____

Name: _____
(Last) (First) (Middle)

Mailing Address: _____
(Street)

(City) (State) (Zip)

Practice Address: _____
(Street)

(City) (State) (Zip)

Practice County: _____

Office Phone Number: _____

Email Address: _____
(Email address is not published)